

JURISDICTION:

General References:

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This chapter summarizes Idaho State statutes relate to speed. Idaho Code (General Laws of Idaho Annotated), Idaho Infraction (Court) Rules and Idaho Administrative Code (IDAPA)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §49-654(1)

**Statutory Speed Limit:
See Other below.**

75 MPH on interstate highways §49-654(2)(c)
65 MPH on Stats highways §49-654(2)(d)
55 MPH in other locations §49-654(2)(e)
35 MPH in either a residential, business or urban districts §49-654(2)(a) & (b)

Posted (Maximum) Speed Limit:

I. Base on engineering and traffic investigations, the State may increase or decrease the above speed limits.¹ However, no maximum posted speed limit can exceed either 75 MPH for interstate highways or 65 MPH for other State highways. §49-201(4)
II. For highways within its jurisdiction, a local government, based on engineering and traffic investigations, may either (1) decrease the speed limit in a residential, business or urban districts or (2) increase the speed limits above the statutory limit for an urban district but not >65 MPH on arterial highways. §§49-207(2) & 49-208(1)(i)
III. Local authorities within their jurisdictions may establish speed limits for public parks. §49-208(1)(e)
IV. Local authorities may lower the speed limits on those portions of State highways that pass through residential or business districts within their jurisdiction. §49-201(4) These speed limits must be less than the maximum speed limits established by the State. §49-208(w)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. §49-655
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the highway. §49-630(2)

Posted (Minimum) Speed Limit:

I. Based upon engineering and traffic investigations, the State may establish a minimum posted speed limit on a highway. This does not apply where a local authority has established a lower speed limit on those parts of a State highway that pass through either a residential or business district under the authority of the local jurisdiction. §49-202(22)
II. Local authorities within their jurisdictions may establish minimum speed limits. §49-208(1)(m)

Basis for a Speed Law Violation: (continued)

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §49-201(4)

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Other:

I. A person shall not drive a vehicle over a bridge or elevated structure in violation of the posted safe maximum speed limit for such structures.² §49-656

II. For vehicles without pneumatic tires and weighing either $\leq 10,000$ lbs. or $> 10,000$ lbs., the respective maximum speed limits are either 20 MPH or 12 MPH. §49-1003

III. Vehicles with 5 or more axles and operating with a gross weight $> 26,000$ lbs. shall not exceed 65 MPH on interstate highways. §49-654(3)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Infractions.³ §§49-110(4) & 49-236(2)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term
of Imprisonment:

Fine:

Amount (\$ Range):

Not more than **\$100**⁴ §18-113A

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

²Based upon investigations, the State determines the safe maximum speed limits for these structures. §49-202(21)

³An infraction is a not a crime but a civil public offense. §18-111

⁴**Fixed Penalty.** The following fixed penalties, which include court costs, are assessed for speed related infractions. For exceeding the speed limit by ≥ 1 MPH but < 20 MPH, a fixed penalty of \$47. For exceeding the speed limit by ≥ 20 MPH a fixed penalty of \$102. Rule 9(5)(a) & (b), Idaho Infraction Rules

(Susp/Rev):	Suspension via the Point system ⁵ §49-326(2) & (3)
<u>Sanctions Following an Adjudication of a Speed Law Violation:</u> (continued)	
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension for not more than 1 year ⁵ §49-326(5)
Mandatory Minimum Term of Withdrawal:	None Restricted driving privileges may be granted. §49-326(4)
Miscellaneous Sanctions Not Included Elsewhere:	
<u>Other Criminal Actions Related to Speeding:</u>	

⁵**Point System.** I. An offender's license is suspended for 30 days, 90 days or 6 months, if they respectively accumulate 12 points within 12 months, 18 points within 24 months or 24 points within 36 months. Note: Three (3) points are deducted from a driver's record if they attend traffic school prior to a suspension; this can only occur once in a 3 year period. II. The following points are assessed for speeding and speed related offenses: One (1) MPH to 15 MPH over the speed limit-3 points; inattentive driving-3 points; 16 or more MPH over the speed limit-4 points; a violation of the minimum speed rule (including not driving in the right-hand lane when proceeding at less the normal rate of speed)-3 points; a violation of a posted speed limit on an elevated structure-3 to 4 points; and, racing on the highways-4 points. §§49-210 & 49-326 and IDAPA 39.02.71

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<u>Racing on Highway:</u>	Misdemeanor ⁶ §§18-111, 49-236(1) & 49-1424(1)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months §§18-113(1) & 49-236(4)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$300 §§18-113(1) & 49-236(4)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via the Point System ⁵ §49-326(2)
Length of Term of Licensing Withdrawal:	Suspension for not more than 1 year ⁵ §49-326(5)
Mandatory Action--Minimum Length of License Withdrawal:	None Restricted driving privileges may be granted. §49-326(4)
Other	
<u>Reckless Driving:</u>	Misdemeanor §§18-111, 49-236(1) & 49-1401(1)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §49-1401(2)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$300</u> <u>Subsequent offense-\$50 to \$300</u> §49-1401(2)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §§49-326(1)(f) and 49-1401(2) & (3) For 3 reckless driving offense convictions within 12 months- Revocation §49-325(1)(d)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Reckless Driving:</u> (continued)	
Length of Term of License Withdrawal Action:	<u>1st offense-30 day suspension</u> <u>2nd offense</u> (within 2 years)- 90 day suspension <u>3rd offense</u> (within 3 years)- 1 year suspension §49-326(1)(f) <u>3 offenses within 12 months-1 year revocation</u> §§49-325(1)(d) & 49-326(5)
Mandatory Term of License Withdrawal Action:	For suspensions- None Restricted driving privileges may be granted. §49-326(4) However, for <u>3 offenses within 12 months</u> , the 1 year revocation appears to be mandatory. §§49-325(1)(d) & 49-326(5)

⁶"No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration or for the purpose of making a speed record...." §49-1424(1)

<u>Inattentive Driving:</u>	Misdemeanor §§18-111, 49-236(1) & 49-1401(3)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 months §18-113(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$300 §18-113(1)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point System ⁵ §49-326(2)
Length of Term of License Withdrawal Action:	Suspension for not more than 1 year ⁵ §49-326(5)
Mandatory Term of License Withdrawal Action:	None Restricted driving privileges may be granted. §49-326(4)

Commercial Motor Vehicle (CMV) Operators:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a 3 year period or (2) commit 3 such violations within a 3 year period. §49-335(6)
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Commercial Motor Vehicle (CMV) Operators:
(continued)

<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §49-335(6)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days

⁷Inattentive Driving: "[T]hose circumstances where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, rather than heedless or wanton, or in those cases where the danger to persons or property by the motor vehicle operator's conduct is slight." This is a lesser offense than reckless driving. §49-1401(3)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of >26,000 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §49-123(2)(c)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §49-120(11) with reference to 49 CFR part 383

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years)-**120 days** §49-335(6)

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